

USSN: 09/872,337

Attorney Docket No: 0594.00029

REMARKS

Claims 1-10, 18-20, and 22 remain in the application. Claims 1, 18, and 22 are the only claims in independent form. The present claims have been amended in order to clarify the present invention. Claims 11-17 and 21 have been cancelled without prejudice. All claim amendments and cancellations have been made in order to place the present application in condition for allowance.

Pending claims 1-3, 5, 6, 9, 10, and 18-22 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Harrison (GB 2229699 A). Further, claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Harrison. In response thereto, the present claims are not anticipated by disclosure set forth in the Harrison patent. The Harrison patent discloses a disposable chamber-pot liner that is of a size and configuration suitable for lining a chamber-pot. "According to the present invention, there is provided a disposable chamber-pot liner which is generally bag-shaped..." (See, Page 2, Paragraph 1). Thus, the Harrison patent discloses a removably attached, bag-shaped liner (See, Figures 1-4).

In contradistinction, the claimed invention is a single, disposable apparatus including a bedpan vessel having an inner surface and an absorption mechanism fixedly attached and disposed on the entire surface of said inner surface. This invention is completely disposable and does not involve the use of any type of bag-shaped liner. Disposal of the claimed invention involves disposing of the entire, single-unit apparatus as opposed to the liner by itself. Further, the absorption mechanism is formed on the inside or inner surface of the vessel and does not cover the outer surface of the vessel. As such, the present invention is not anticipated by the Williams reference. Reconsideration of the rejection is respectfully requested.

Pending claims 1-3, 5-8, 18, 20, and 22 are rejected under 35 U.S.C. § 102(e) as being anticipated by Thomas (U.S. Patent No. 6,070,277). The Thomas patent discloses

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a waste receptacle bag for receiving urine, fecal matter, and vomit for later disposal. The waste receptacle bag includes an annular rim portion that extends along the open top of the bag. "In use, a user unfolds the bag and places the rim portion against his or her urogenital and perineal area to urinate and defecate. Once done, the protective strip is removed from the adhesive strip and the sealing flap is folded up over the rim portion, as shown in FIG. 2." (Column 4, Lines 39-44).

In contradistinction, the presently claimed invention is patentably distinct from the waste bag disclosed in the Thomas patent. The presently claimed invention is not a waste bag. Moreover, the present invention is a single-unit apparatus including a bedpan vessel with an absorbing mechanism securely fixed thereon. The absorption mechanism is form fitting on the inside or inner surface of the vessel and is not bag-shaped. The Thomas patent discloses a waste bag that is not at all a bedpan vessel, as claimed in the present application. Reconsideration of the rejection is respectfully requested.

Pending claims 7 and 8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the Harrison reference in view of Williams (U.S. Patent No. 5,455,972). In response thereto, the presently claimed invention is patentably distinct over Harrison for those reasons set forth in the above arguments, and for those reasons supported by the following arguments regarding the cited Williams patent. The Williams patent discloses a bag that may be constructed from polyethylene or other plastic material impervious to, or at least not readily permeated by, liquid such as urine and the like (Column 2, Lines 26-33). The bag completely encloses and surrounds a bedpan (see Figures 3-5, Column 2, Lines 60-67). Moreover, in order to dispose of the waste collected within the bag, the bag with its contents absorbed by the pad is removed from the bedpan by inverting or turning the bag to the obverse side, i.e., turning the bag inside out so that the interior surface is pulled over the exterior surface including the pouch (see Figure 4, Column 3, Lines 1-7).

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In contrast, the present invention is completely disposable and does not involve the use of any type of bag surrounding the outer surface of the vessel thereon. Moreover, because the absorption mechanism is disposed on the entire inner surface of the vessel, any type of spillage that may occur during transportation of the bedpan apparatus will be prevented. Additionally, the absorption mechanism is form fitting on the inside or inner surface of the vessel and does not enclose the entire bedpan whatsoever. Reconsideration of the rejection is respectfully requested.

Pending claims 9 and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Thomas in view of Stevens (GB 2224522). Applicant argues that the presently claimed invention is patentably distinct over Thomas, for the reasons set forth in the above arguments, and for those reasons supported by the following arguments regarding the cited Stevens patent. The Stevens patent discloses an apparatus for collecting liquid comprising a vessel 1 and absorption means 8. The device is a disposable liner that contains liquid absorbent material provided by a pad of a cellulose wadding. The cited patent specifically discloses an absorbent pad adhered to the inner side of the liner shaped generally to fit the bottom of the toilet receptacle when the liner is fitted therein (see Page 2, Lines 3-6). Again, as with the Williams reference discussed above, the Stevens reference discloses an apparatus having an absorption mechanism lined on the bottom portion of the receptacle therein. There is no absorption mechanism or pad located or situated on the sides of the liner in order to prevent any type of spillage that may occur during transportation or any other similar movement. There is no means for preventing the spillage of any type of liquid from within the apparatus disclosed in the Stevens patent.

In contradistinction, presently pending independent claim 1, as amended, claims an apparatus including an absorption mechanism being completely lined and covering the interior portion of the vessel of the bedpan apparatus. As discussed above, this provides an advantage over the prior art and thus is not anticipated by the Stevens reference. As a result, reconsideration of the rejection is respectfully requested.

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The remaining dependent claims pending in the present application are ultimately dependent upon at least one of the independent claims discussed above. No prior art reference makes up for the deficiencies of that reference as applied against the independent claims as no prior art reference discloses the characterizing features of the independent claims. Such a modification of the prior art derived at the time of the present invention can only be made through hindsight after first revealing and understanding the present invention. Such use of hindsight to derive the present invention is improper as a matter of law. Hence, it is respectfully requested that all pending claims are patentable over the cited prior art. As a result, reconsideration of the rejection is respectfully requested.

In conclusion, it is respectfully submitted that the pending claims are in condition for allowance, which allowance is respectfully requested.

In view of the present amendment and foregoing remarks, reconsideration of the rejections and advancement of the case to issue are respectfully requested.

Respectfully submitted,

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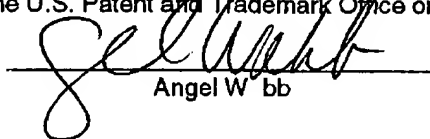


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CERTIFICATE OF MAILING/TRANSMISSION

I hereby certify that this correspondence is being transmitted by facsimile to Examiner Huyen D. Le, at (703) 746-5862, at the U.S. Patent and Trademark Office on December 10, 2002.



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VERSION WITH MARKINGS TO SHOW CHANGES MADE**IN THE TITLE:****NO DRIP BED PAN****IN THE CLAIMS:**

1. A[n] single, disposable apparatus for collecting, disposing, and measuring liquids, comprising:

a bedpan vessel including an inner surface; and

absorption means fixedly attached to and disposed on [entire] all of said inner surface of said vessel for absorbing and collecting liquids within said vessel, wherein said vessel and said absorption means form a disposable single-unit apparatus.

Please cancel claims 11-17.

Please cancel claim 21.

22. A disposable, single-unit bedpan vessel including an inner chamber and absorption means fixedly secured and disposed entirely within said inner chamber for absorbing liquids.